

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1477**

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**Introduced by Assembly Member Soto**

February 23, 2007

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An act to amend Section 4005 of, and to add Sections 4005.2 and 4005.3 to, the Fish and Game Code, relating to trapping.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1477, as amended, Soto. Trapping.

Under existing law, a person who takes fur-bearing mammals or nongame mammals by means of a trap, or who sells furs of those mammals, is required to obtain a trapping license from the Department of Fish and Game. Persons taking mammals injurious to growing crops or other property are exempted from the trapping license requirement, except for those persons providing trapping services for profit, who are required to obtain a trapping license from the department.

This bill would require the department to develop and approve a standardized form containing specified matter, to be titled the "California Wildlife Conflict Management Form," to be used and maintained for a period of three years after completion or termination of a job by every person providing trapping services for profit. The bill would require that a person providing trapping services for profit, as a condition for maintaining a trapping license, complete a program of continuing education, as specified. The bill would require that every nontarget animal, as defined, that is ensnared in a trap and that is healthy and uninjured be released immediately at the site of a trap and would require

that ill or injured animals not be released, but instead be taken promptly to a humane society, animal regulation department of a public entity, wildlife rehabilitator, or veterinarian. The bill would require that a reasonable effort be made to notify the owner or guardian of any domesticated animal that is injured or killed by a trap of the whereabouts and current condition of the animal. Because a violation of the trapping requirements is a crime under existing law, the bill would impose a state mandated local program by expanding the definition of a crime.

~~This bill would provide that it is to become operative only if AB 449 of the 2007–08 Regular Session is also enacted and becomes effective on or before January 1, 2008.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4005 of the Fish and Game Code is
- 2 amended to read:
- 3 4005. (a) Except as otherwise provided in this section, every
- 4 person, other than a fur dealer, who traps fur-bearing mammals or
- 5 nongame mammals, designated by the commission or who sells
- 6 raw furs of those mammals, shall procure a trapping license. “Raw
- 7 fur” means any fur, pelt, or skin that has not been tanned or cured,
- 8 except that salt-cured or sun-cured pelts are raw furs.
- 9 (b) The department shall develop standards that are necessary
- 10 to ensure the competence and proficiency of applicants for a
- 11 trapping license. No person shall be issued a license until he or
- 12 she has passed a test of his or her knowledge and skill in this field.
- 13 (c) Persons trapping mammals in accordance with Section 4152
- 14 or 4180 are not required to procure a trapping license except when
- 15 providing trapping services for profit.
- 16 (d) (1) A person providing trapping services for profit shall, as
- 17 a condition for maintaining a trapping license, complete a program
- 18 of continuing education that includes at least 20 hours of course
- 19 work every two years in the following subjects:

1 (A) Site evaluation.

2 (B) Techniques to prevent the reoccurrence of wildlife conflicts.

3 (C) The humane capture and handling of wildlife.

4 (D) Methods of nonlethal resolution of common nuisance  
5 wildlife problems, including frightening devices, repellants,  
6 one-way door exclusion and other exclusion methods, habitat  
7 modification, and live-trapping and releasing.

8 (2) Successful completion of a program of continuing education  
9 in vertebrate pest control approved by the Director of the  
10 Department of Food and Agriculture pursuant to Chapter 3  
11 (commencing with Section 6500) of Title 3 of the California Code  
12 of Regulations, shall satisfy the continuing education requirement  
13 of this subdivision.

14 (3) Successful completion of a program of continuing education  
15 in vertebrate pest control approved by the Structural Pest Control  
16 Board pursuant to Section 8593 and 8593.1 of the Business and  
17 Professions Code, shall satisfy the continuing education  
18 requirements of this subdivision.

19 (4) Successful completion of courses offered over the Internet  
20 may be used to satisfy the continuing education requirement of  
21 this subdivision.

22 (5) The holder of a trapping license shall submit proof to the  
23 department of having successfully completed a course of continuing  
24 education pursuant to this subdivision.

25 (e) No raw furs taken by persons providing trapping services  
26 for profit may be sold.

27 (f) The license requirement imposed by this section does not  
28 apply to any of the following:

29 (1) Officers or employees of federal, county, or city agencies  
30 or the department, when acting in their official capacities, or  
31 officers or employees of the Department of Food and Agriculture  
32 when acting pursuant to the Food and Agricultural Code pertaining  
33 to pests or pursuant to Article 6 (commencing with Section 6021)  
34 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural  
35 Code.

36 (2) Structural pest control operators license pursuant to Chapter  
37 14 (commencing with Section 8500) of Division 3 of the Business  
38 and Professions Code, when trapping rats, mice, voles, moles, or  
39 gophers.

(3) Persons and businesses licensed or certified by the Department of Pesticide Regulation pursuant to Chapter 4 (commencing with Section 11701) and Chapter 8 (commencing with Section 12201) of Division 6 of, and Chapter 3.6, (commencing with Section 14151) of Division 7 of, the Food and Agricultural Code, when trapping rats, mice, voles, moles, or gophers.

SEC. 2. Section 4005.2 is added to the Fish and Game Code, to read:

4005.2. (a) For purposes of this article, the following terms have the following meanings:

(1) “Nontarget animal” means any animal that is ensnared in a trap that is not a target animal.

(2) “Target animal” means the animal, or a member of the class of animals, for which a trap is set.

(b) Every nontarget animal that is ensnared in a trap and that is healthy and uninjured shall be released immediately at the site of a trap.

(c) Every nontarget animal that is ensnared in a trap that is ill or injured shall not be released and shall be taken promptly to a humane society, animal regulation department of a public entity, wildlife rehabilitator, or veterinarian.

(d) A reasonable effort shall be made to notify the owner or guardian of any domesticated animal that is injured or killed by a trap of the whereabouts and current condition of the animal.

SEC. 3. Section 4005.3 is added to the Fish and Game Code, to read:

4005.3. (a) The department shall develop and approve a standardized form to be titled the “California Wildlife Conflict Management Form” that includes all of the following:

(1) Permissible available non-lethal wildlife control options, including environment and habitat modification, repellents and frightening techniques, exclusion techniques, and live trapping and release.

(2) A certification, for execution by a person providing trapping services for profit, that the client has been adequately informed of permissible available non-lethal wildlife control options and been supplied with a copy of the form.

(3) An acknowledgment, for execution by the client, that the client has been advised of permissible available non-lethal wildlife

1 control options, been provided a copy of the form, the wildlife  
2 control option that is to be used, and that the client agrees with the  
3 wildlife control option to be utilized.

4 (4) The disposition that will be made of any lawfully trapped  
5 wildlife.

6 (5) A summary of current laws governing wildlife trapping for  
7 profit.

8 (b) Every person providing trapping services for profit shall  
9 maintain a duly executed copy of the form for every job for a  
10 period of three years following its completion or other termination.

11 ~~SEC. 4. This act shall become operative only if Assembly Bill~~  
12 ~~449 of the 2007–08 Regular Session is also enacted and becomes~~  
13 ~~effective on or before January 1, 2008.~~

14 ~~SEC. 5.~~

15 *SEC. 4.* No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.